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C O N F I D E N T I A L HARARE 001492

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E.O. 12958: DECL: 08/31/2009

TAGS: [PREL](#) [PGOV](#) [PHUM](#) [ZI](#)

SUBJECT: MERCENARY LEADER CONVICTED, OTHERS RELEASED

REF: (A) CAPE TOWN 517 (B) CAPE TOWN 512 (C) HARARE

445 (D) HARARE 417

Classified By: Political Officer Win Dayton under Section 1.5 b/d

1. (U) The GOZ-controlled Herald newspaper announced on August 28 that Simon Francis Mann was convicted August 27 of violating the Firearms Act. Laurens Jacobus Horne and Jacobus Herminus Carlse were exonerated of related charges and released, while 66 others remained incarcerated after pleading guilty to contravening the Immigration Act and the Civil Aviation Act. The court was scheduled to announce sentences for those remaining in custody on September 10. The GOZ also reportedly will seek to impound the aircraft, equipment and an undisclosed amount of cash seized from the detainees.

2. (C) One of the mercenaries' attorneys on August 31 confirmed essentials of the newspaper account to the Embassy. He added that Horne and Carlse had already departed the country for South Africa. Mann would likely receive additional jail time, although probably less than the ten-year maximum sentence, and the 66 remaining detainees were expected to be fined less than USD 300 each and released on September 10. The prosecuting attorney had agreed that there were no grounds to meet Equatorial Guinea's extradition request.

3. (C) COMMENT: Even as the GOZ exploited the Mann affair for propaganda effect (refs C and D), security elements seemed genuinely nervous about prospects of a raid to free the mercenaries and may be pleased to see most of them leave. Moreover, legal analysts had assessed some time ago that Zimbabwean law did not offer sufficient ground to hold most of the detainees for very long. The curious convergence of the court activity and Mark Thatcher's arrest (refs A and B) is likely coincidental. In any event, the South African Embassy does not appear to have lobbied forcefully on behalf of the South Africans involved.

Dell